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REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the undersigned would like to thank the Examiner for the courtesy and assistance extended on behalf of the Applicants during the telephonic interview conducted on February 9, 2007, with the undersigned.

As another initial matter, the Applicants would like to thank the Examiner for maintaining the indication that claim 21 is allowable.

In the Official Action, the Examiner objects to claim 21 because of grammatical errors in the second line thereof. In response, claim 21 has been amended to clarify the same. Accordingly, it is respectfully requested that the objection to claim 21 be withdrawn.

In the Official Action, the Examiner rejects claims 1, 15, 16, 18-20 and 22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,982,725 to Hibino et al., (hereinafter "Hibino"). Additionally, the Examiner rejects claims 8, 9, 23 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Hibino in view of U.S. Patent No. 5,609,563 to Suzuki et al., (hereinafter "Suzuki").

As discussed in the previous response, claim 1 recites a buffering member to connect a main frame to which is connected the inserting portion and the frame unit, the buffering member absorbing external force applied to the inserting portion while claim 18 recites a buffering member to connect the main frame and the frame unit, the buffering member absorbing external force applied to the inserting portion. Applicants again respectfully submit that neither Hibino nor Konomura discloses the buffering member as recited in claims 1 and 18.

In the Examiner's "Response to Arguments" section at pages 5 and 6 of the Official Action, the Examiner argues that (1) "Hibino clearly states that the second unit 503 of the endoscope 501 is removably connected to the first unit 663" (citing column 46, lines 48-52 of Hibino); (2) "as broadly as claimed, the connecting portion (not shown in the Figures) which removably connects the first unit 663 to the second unit 503 (see col. 46, lines 48-52) acts as a buffering member;" and (3) "the features upon which the applicant relies (i.e., a buffer member that absorbs the force applied to the operating portion when the operation portion is operated) are not recited in the rejected claims(s)." Furthermore, during the interview with the Examiner, the Examiner suggested (4) that the buffering member be distinguished from the connector 503 shown in Figure 18 of Hibino.

With regard to the Examiner's "Response to Arguments" listed as item (1) above, Applicants again submit that Hibino neither discloses nor suggests that the first unit and the second unit are separate. At column 46, lines 48-52 of Hibino, Applicants understand the same to disclose that the video-processor is removably connected to the connector 503 (as shown in Figure 12). Applicants understanding is further supported by the fact that no removable connector is shown in the Figures (as admitted by the Examiner in item 2 above) or discussed with any detail. Thus, Applicants respectfully submit that the removable connection disclosed at column 46, lines 48-52 in Hibino is the one between the connector and the video-processor.

With regard to the Examiner's "Response to Arguments" listed as items (2-4) above, although Applicants again submit that Hibino does not disclose or suggest any member that can absorb the external force (surplus force), in the interests of advancing prosecution, claims 1 and 18 have been amended to recite that the "buffering member has a first end

connected to the frame unit and a second end connected to the main frame, so that the force applied to the inserting portion by external operation may be absorbed between the first end and the second end.” Therefore, the arguments upon which the Applicants have previously relied are now positively recited in independent claims 1 and 18 and the absorbing member expressly and clearly distinguishes over the connector 503 shown in Figure 18 of Hibino. Hibino simply fails to disclose or suggest anything corresponding to the buffering member as recited in claims 1 and 18. The amendment to claims 1 and 18 are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the amendment to claims 1 and 18.

With regard to the rejection of claims 1, 15, 16, 18-20 and 22 under 35 U.S.C. § 102(b), an electric bending endoscope having the features discussed above and as recited in independent claims 1 and 18, is nowhere disclosed in Hibino. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”¹ independent claims 1 and 18 are not anticipated by Hibino. Accordingly, independent claims 1 and 18 patentably distinguish over Hibino and are allowable. Claims 15, 16 19, 20 and 22 being dependent upon claims 1 and 18, are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1, 15, 16, 18-20 and 22 under 35 U.S.C. § 102(b).

With regard to the rejection of claims 8, 9, 23 and 24 under 35 U.S.C. § 103(a), since independent claims 1 and 18 patentably distinguish over the prior art and are allowable, claims 8, 9, 23 and 24 are at least allowable therewith because they depend from an allowable

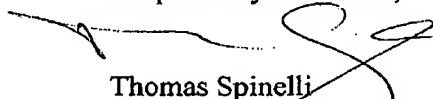
¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

base claim. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 8, 9, 23 and 24 under 35 U.S.C. § 103(a).

Lastly, claims 19 and 20 have been amended to clarify the same. No new matter has been entered into the disclosure in doing so.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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